

JK6381 PG0023

PRESENTED
FOR
REGISTRATION

000352

94 DEC 19 PM 2:28

KENNETH C. WILKINS
REGISTER OF DEEDS
WAKE COUNTY

Prepared By and Held For:

Kenneth L. Eagle, 1003 High House Road, Suite 106, Cary, NC 27511

**DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS
FOR
WHITEBRIDGE SUBDIVISION**

12/14/94, c:\document\whitebri.dge\covenant

**TABLE OF CONTENTS
FOR
DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS
FOR
WHITEBRIDGE SUBDIVISION**

ARTICLE I

<u>DEFINITIONS</u>	2
---------------------------------	---

ARTICLE II

<u>PROPERTY</u>	5
------------------------------	---

<u>Section 1.</u>	<u>Property Made Subject To Declaration</u>	5
<u>Section 2.</u>	<u>Annexation of Additional Property by Declarant</u>	5
<u>Section 3.</u>	<u>Annexation of Additional Property by Other Person</u>	5
<u>Section 4.</u>	<u>Contents of Supplemental Declaration</u>	5
<u>Section 5.</u>	<u>Merger or Consolidation</u>	6

ARTICLE III

	<u>MEMBERSHIP AND VOTING RIGHTS</u>	6
<u>Section 1.</u>	<u>Membership</u>	6
<u>Section 2.</u>	<u>Classes of Voting Members</u>	7
<u>Section 3.</u>	<u>Voting, Quorum and Notice Requirements</u>	7
<u>Section 4.</u>	<u>Termination Of Membership</u>	8

ARTICLE IV

	<u>PROPERTY RIGHTS IN THE COMMON AREA</u>	8
<u>Section 1.</u>	<u>Owners' Easements of Enjoyment</u>	8
<u>Section 2.</u>	<u>Title to the Common Area</u>	8
<u>Section 3.</u>	<u>Extent of Members' Easement</u>	9
<u>Section 4.</u>	<u>Leases Of lots.</u>	10
<u>Section 5.</u>	<u>Ingress and Egress</u>	10

ARTICLE V

	<u>COVENANTS FOR ASSESSMENTS</u>	11
<u>Section 1.</u>	<u>Creation of the Lien and Personal Obligation for Assessments</u>	11
<u>Section 2.</u>	<u>Purpose and Use of Assessments</u>	11

Table Of Contents

<u>Section 3.</u>	<u>Maximum Annual Assessment and Annual Assessment</u>	12
<u>Section 4.</u>	<u>Special Assessments for Capital Improvements</u>	13
<u>Section 5.</u>	<u>Special Assessment for Repairs</u>	13
<u>Section 6.</u>	<u>Notice and Quorum For Actions Authorized Under Sections 3 and 4</u>	13
<u>Section 7.</u>	<u>Rate of Assessments</u>	13
<u>Section 8.</u>	<u>Commencement of Assessments; Establishing the Amount; Due Dates</u>	14
<u>Section 9.</u>	<u>Certification of Assessments Paid</u>	14
<u>Section 10.</u>	<u>Assessment Lien and Remedies for Non-Payment</u>	15
<u>Section 11.</u>	<u>Default in Payment of Ad Valorem Taxes and Assessments for Public Improvements</u>	16
<u>Section 12.</u>	<u>Subordination of the Lien to Mortgages</u>	16
<u>Section 13.</u>	<u>Common Area Exempt.</u>	17

ARTICLE VI**GENERAL POWERS AND DUTIES OF THE ASSOCIATION** 17

<u>Section 1.</u>	<u>Powers and Duties of the Board</u>	17
<u>Section 2.</u>	<u>Liability Limitations</u>	19
<u>Section 3.</u>	<u>Exchange of Common Area</u>	20

ARTICLE VII**INSURANCE; REPAIR AND RESTORATION** 21

<u>Section 1.</u>	<u>Right to Purchase Insurance</u>	21
<u>Section 2.</u>	<u>Insurance Proceeds</u>	21
<u>Section 3.</u>	<u>Insufficient Proceeds</u>	21

ARTICLE VIII**USE OF LOTS AND COMMON AREA - PROTECTIVE COVENANTS** 22

<u>Section 1.</u>	<u>Land Use And Building Type.</u>	22
<u>Section 2.</u>	<u>Obstructions, etc.</u>	22
<u>Section 3.</u>	<u>Restricted Actions by Owners.</u>	22
<u>Section 4.</u>	<u>Nuisance and Other Matters.</u>	23
<u>Section 5.</u>		

Table Of Contents

<u>Section 11.</u>	<u>New Construction</u>	24
<u>Section 12.</u>	<u>Outbuildings</u>	25
<u>Section 13.</u>	<u>On-Street Parking</u>	25
<u>Section 14.</u>	<u>No Temporary Structure</u>	25
<u>Section 15.</u>	<u>Landscaping</u>	26
<u>Section 16.</u>	<u>Fences and Walls</u>	26
<u>Section 17.</u>	<u>Sight Line Limitations</u>	26
<u>Section 18.</u>	<u>Antennae</u>	26
<u>Section 19.</u>	<u>Gas Meters</u>	26
<u>Section 20.</u>	<u>Utility Yards</u>	27
<u>Section 21.</u>	<u>Mailboxes</u>	27
<u>Section 22.</u>	<u>Utilities</u>	27
<u>Section 23.</u>	<u>Minimum Square Footage</u>	27
<u>Section 24.</u>	<u>Building Setback Distances</u>	29
<u>Section 25.</u>	<u>Exterior Materials</u>	29
<u>Section 26.</u>	<u>Governmental Requirements</u>	29

ARTICLE IX

ARCHITECTURAL CONTROL 29

<u>Section 1.</u>	<u>General</u>	29
<u>Section 2.</u>	<u>Composition</u>	30
<u>Section 3.</u>	<u>Procedure</u>	30
<u>Section 4.</u>	<u>Jurisdiction</u>	32
<u>Section 5.</u>	<u>Enforcement</u>	32
<u>Section 6.</u>	<u>Failure of the Architectural Control Committee to Act</u>	32
<u>Section 7.</u>	<u>Limitation of Liability</u>	33
<u>Section 8.</u>	<u>Miscellaneous</u>	33

ARTICLE X

EASEMENTS 33

<u>Section 1.</u>	<u>Easements Reserved by Declarant</u>	33
<u>Section 2.</u>	<u>Easement Reserved for the Association</u>	34

Table Of Contents

ARTICLE XI

MAINTENANCE 35

<u>Section 1.</u>	<u>Duty of Maintenance</u>	35
<u>Section 2.</u>	<u>Owner's Obligations to Repair</u>	36
<u>Section 3.</u>	<u>Enforcement</u>	36

ARTICLE XII

RIGHTS OF INSTITUTIONAL LENDERS 37

<u>Section 1.</u>	<u>Institutional Lenders</u>	37
<u>Section 2.</u>	<u>Obligation of Association to Institutional Lenders</u>	37
<u>Section 3.</u>	<u>Requirements of Institutional Lender</u>	38

ARTICLE XIII

MISCELLANEOUS PROVISIONS 38

<u>Section 1.</u>	<u>Duration</u>	38
<u>Section 2.</u>	<u>Amendment</u>	39
<u>Section 3.</u>	<u>Dissolution or Insolvency of the Association</u>	41
<u>Section 4.</u>	<u>Enforcement</u>	42
<u>Section 5.</u>	<u>Severability of Provisions</u>	42
<u>Section 6.</u>	<u>Notice</u>	43
<u>Section 7.</u>	<u>Titles</u>	43
<u>Section 8.</u>	<u>Number and Gender</u>	43
<u>Section 9.</u>	<u>No Exemption</u>	43
<u>Section 10.</u>	<u>FHA/VA Approval</u>	43
<u>Section 11.</u>	<u>Subdivision, Combination of Lots</u>	43
<u>Section 12.</u>	<u>Conflict Between Declaration and Articles, Bylaws</u>	44
<u>Section 13.</u>	<u>Laws of North Carolina and the United States</u>	44
<u>Section 14.</u>	<u>Assignment</u>	44
<u>Section 15.</</u>		

3X6381PG0028

3K